

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DANNY DEAN FROGGE,

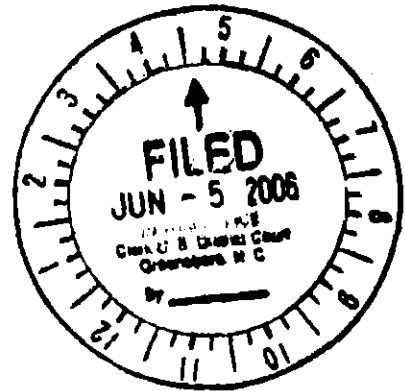
Petitioner,

v.

MARVIN POLK, Warden,
Central Prison, Raleigh,
North Carolina

Respondent.

1:05CV00502



O-R-D-E-R


On March 28, 2006 in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which

is in accord with the Magistrate Judge's report.¹ The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's petition for writ of habeas corpus [Pleading no. 3] be **DENIED**, and that this action be, and is hereby, dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.


UNITED STATES DISTRICT JUDGE

DATE: June 5, 2006

¹ The court notes that Petitioner did not object to the Recommendation addressing Claims 2-4 in the habeas petition. The court, therefore, has declined to conduct a de novo review as to those claims. Moreover, while the court has conducted a de novo review of the Recommendation as to Claim 1, the court questions whether the objections directed to Claim 1 as addressed in the Recommendation are specific enough to warrant de novo review. See *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)